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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

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RICHARD BARRIENTOS,

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Petitioner,

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vs.

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RENEE BAKER, *et al.*

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Respondents.

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2:05-cv-01165-JCM-RJJ

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ORDER

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16 Respondents' motion (#57) for substitution of Renee Baker for E.K. McDaniel as a
17 respondent herein is GRANTED. The court is not sanguine, however, that such a motion is
18 either necessary or useful in this long-closed case. The court of appeals denied a certificate
19 of appealability approximately two years ago; it does not appear that a petition for a writ of
20 *certiorari* was filed or is pending in the supreme court; and there do not appear to be any
21 pending proceedings of non-clerical substance in this matter. See also Fed. R. Civ. Pro.
22 25(d) (successor officer automatically substituted even prior to court order). Unless counsel
23 can identify a substantial practical utility for a substitution motion and order such as this in a
closed case, the court would prefer to direct its limited resources to other matters.

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DATED: November 10, 2011.

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JAMES C. MAHAN
United States District Judge